

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

SANTOS CAMELLON GARCIA,)
)
Petitioner,)
)
v.) Case No. 4:17-cv-01789-LSC-TMP
)
U.S. ATTORNEY GENERAL OF)
AMERICA,)
)
Respondent.)

MEMORANDUM OPINION

This case is before the court on Respondent's Motion to Dismiss as Moot, filed March 21, 2018. (Doc. 9). In the motion, Respondents note Petitioner was released from ICE custody on December 28, 2017, pursuant to an Order of Supervision. (Doc. 9-1). On March 29, 2018, the magistrate judge notified Petitioner "that the petition will be treated by the Court as ripe for summary disposition and" also informed Petitioner "of his right to file affidavits or other materials to show why the petition should not be summarily denied or dismissed on the basis of the motion filed by the Government." (Doc. 10 at 1) (citing *McBride v. Sharpe*, 25 F.3d 962 (11th Cir. 1994)). The magistrate judge afforded Petitioner twenty (20) days "to supply any additional evidentiary materials or legal arguments he may wish to offer with regard to whether the petition is subject to summary disposition." (*Id.* at 2). That deadline passed with no response from Petitioner.

On April 30, 2018, the magistrate judge entered a report, recommending the petition be dismissed as moot based on Respondent's motion. (Doc. 11). The Clerk mailed a copy of the report to Petitioner, but on May 8, 2018, the Postal Service returned the document to the court with the notation, "Return to Sender," "Refused," "Unable to Forward." (Doc. 12). On May 14,

2018, the magistrate judge directed the Clerk to mail a copy of the report to Petitioner's current residence in Fort Smith, Arkansas, and afforded him fourteen (14) days from the entry date of that order to file objections. (Doc. 13). Petitioner has not filed objections within the time period allotted.

A review of the court record shows that on October 23, 2018, Petitioner filed a petition for writ of habeas corpus seeking to be released from custody pending his removal to Cuba. (Doc. 1). Because Petitioner has been released on an Order of Supervision, his petition seeking that very relief is moot. *See Nyaga v. Ashcroft*, 323 F.3d 906, 913 (11th Cir. 2003) ("a case must be dismissed as moot if the court can no longer provide 'meaningful relief'"); *see also Spencer v. Kemna*, 523 U.S. 1, 7-8 (1998) (once a habeas petitioner is released from custody, he must demonstrate collateral consequences to avoid mootness doctrine). Accordingly, this matter is due to be dismissed. *Khader v. Holder*, 843 F. Supp. 2d 1202, 1202 (N.D. Ala. 2011).

A separate order will be entered.

DONE AND ORDERED ON JUNE 8, 2018.



L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE
160704